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DIRECTOR OF CENTRAL INTELLIGENCE  
**Security Committee**  
COMPARTMENTATION SUBCOMMITTEE

2 NOV 1976

MEMORANDUM FOR: Chairman, Security Committee

SUBJECT: Due Process for DCID 1/14 Accesses

1. In response to your tasking of 14 September 1976 (SECOM-M-196), the subcommittee formed a working group to study the problem and prepare a report for the consideration of the members. The report was submitted and concurred in by all members except Army, whose footnote appears below.

2. It was determined by the working group and accepted by the subcommittee that the term "due process" is concerned with the "Law in its regular course of administration through courts of justice." It is our consensus that "due process" per se was not applicable to the charges cited in the preamble to DCID 1/14 which give the DCI the responsibility to:

a. "Ensure that appropriate programs are developed which properly protect intelligence sources, methods and analytical procedures."

b. "Ensure the establishment, by the intelligence community, of common security standards for managing and handling foreign intelligence systems, information and products, and for granting access thereto." (EO 11905) (emphasis added)

3. It is the consensus of the Compartmentation Subcommittee that:

a. DCID 1/14 as written is sufficient and adequate to discharge the responsibilities of the DCI with respect to access to SCI.

b. The establishing of review and/or appeal procedures is discretionary by an SIO within the authority delegated by DCID 1/14.

c. The specific situations of the SIO's and the difference among the programs and systems within SCI, are significant and mitigate against attempting to establish uniform review or appeal procedures in DCID 1/14.

d. While the avenues for appeal of adjudicative decisions made under DCID 1/14 may vary with the program or agency concerned, in all cases:

(1) The Freedom of Information and Privacy Acts apply.

(2) There is some internal agency procedure, or official, established for appeals, when an individual believes he or she has been unfairly judged or acted against, e.g., The Inspector General.

(3) There is recourse to the Courts or the Congress for assistance.

Chairman  
Colonel, USAF

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FOOTNOTE: The Army strongly nonconcurs. It is the Army position that provisions for review and appeal of adverse adjudicative actions are an essential requirement inherent in the DCI responsibility for insuring the establishment of common standards for granting access to SCI. Consequently, the review and appeal requirement should be common throughout the Intelligence Community and be promulgated by DCID 1/14.